

APARTMENTS TO LET, FURNISHED

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FIRE INSURANCE POLICY

SHOULD BE SIMPLIFIED

William B. Ellison Contends That Vast Amount of Litigation Could Be Avoided and Much Hardship to Innocent Policy Holders Eliminated.

In view of the fact that the vast amount of litigation between insurers and insured has arisen by reason of the complexity of the policy, it is suggested that the policy be simplified.

The ordinary citizen will take due notice of the admonition "Watch your step" but how many of us pay any attention to the warning "Read your policy"?

The forms of policies generally in use contain vital conditions so arranged, and so often couched in cumbersome and indefinite words, that it is a matter of extreme difficulty for the insured to understand just what is required.

The following is, therefore, offered, with the hope that it may in some degree at least prove an aid to both insurer and insured in their efforts to.

The present standard form is filled with perils to the insured public, and it is now, in my opinion, beyond dispute that there should be a simplification of the conditions upon which protection against fire in the way of insurance is obtainable.

Usually exist between them. The policy contains a mass of technical conditions and provisions that the public finds very difficult indeed to understand. Indeed, they are almost entirely technical and ambiguous that the courts themselves, the highest courts of record in the country, constantly differ in matters of construction. This should be remedied, and the public should be able to understand the conditions of the policy.

One must not attempt to destroy any reasonable protection that may be claimed for the fire insurance companies, but at the same time it will not be considered that the insured should be left in a position where he is frequently the victim of the company. The provisions of the policy should be made so clear that the rights of both are apparent and the interests of both are protected.

Let us refer to a phrase of this matter, i.e., that provision which provides that the policy shall be void if the insured has any other insurance on the property in question, or if the interest of the insured in other than the subject of insurance is a building on ground not owned by the insured in fee simple, or if the subject of insurance is personal property and is encumbered by a chattel mortgage.

These are the conditions which are the basis of the question of the policy that by its terms will void it.

The insured is a rule is not aware of these conditions, and he is not aware of the fact that for some days before he gets the policy into his possession, should fire occur he has no claim for his insurance. These features of the policy form now in use have defeated thousands of who otherwise have been meritorious claimants. Sometimes the insured does not take advantage of his position, but the rights of the insured are in his hands. It may be charitable or it may not be. This is not a question of the law, but a question of justice, and especially is so when we consider that by a slight amendment to the present policy form the obligation may be put upon the insurer to interrogate the insured upon the question of a condition precedent to issuing the policy.

Many of the highest courts of record in other jurisdictions than in the State of New York have held that under such circumstances the insured is entitled to recover, and the insurer is liable for the loss. The insurer is liable for the loss, and the insured is entitled to recover.

An illustration of the point I have just endeavored to make will appear from the following facts:

A man was employed for many years in a printing house. By economy and diligence he succeeded in saving up sufficient money to warrant him, in his own mind, to start in business for himself. He secured a long lease of a piece of vacant property, and on it he built a building. He then equipped his plant with presses, binders and the other machinery that is incidental to such a business. Having thus put himself in a position to carry on the business, he then turned to his own risk, and having invested therein all of the money that he during the many years referred to had accumulated by economy, he sought to cover

his plant with necessary protection against fire. He had had no experience with fire insurance, and with insurance policies, and he therefore did not know that under the present standard form a building on leased land was not insured, nor were his machines, covered as they were by a chattel mortgage, secured against him by the lender, within the protection of his policy.

Indeed, after paying his premium he was told that in the course of a few days his policy would be delivered to him. He waited, but when he paid his premium that he was securing protection, and nothing was said to him that would lead him to see that the protection was conditional only.

Before the delivery of his policy his entire plant was destroyed by fire and then, on presenting his claim for the insurance that he had bought and paid for, he was informed that his building being encumbered by a chattel mortgage, or conditional sale agreement, his total insurance had been voided.

Had the insured been interrogated (as in life insurance and all other lines of insurance, as I now recall) as to the condition of his property at the time, or had he been told that his policy was conditional, or that he was securing insurance, should not be held bound by the insurance clause?

We think the reasoning of the courts to which reference has been made is sound and is fair to the insured. It is also not harsh so far as the insurer is concerned, for it at all times has within its power the opportunity to interrogate and bring to the attention of the insured the nature of the conditions contained in the multitude of the provisions contained in the policy.

We believe that the insured is entitled to the protection for which he pays under the policy, and that the insurer is bound to give it. The insurer is bound to give it, and the insured is entitled to it.

There is no high class companies which do not take advantage of the conditions to which I have referred, but there are many other companies, neither high class nor low class, who do and it is against the public interest that legislative or judicial action seems necessary.

The late John H. Stoddard furnished a splendid illustration of the former class, and it is to his everlasting credit that he should have been so frank in his criticism of his own company. As a result, it is thought that the ratification of the amendment is necessary to make it effective.

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